

strolling players having no fixed place of abode in Ontario or anywhere else. The Master in Chambers ordered the plaintiffs to give security for costs. The Chief Justice of the Queen's Bench reversed the order on the ground that a foreign defendant is not entitled to the benefit of the Rule enabling a defendant to obtain security. The Divisional Court (Meredith C.J.C.P. and Rose J.) held that the reason given by the Chief Justice of the Queen's Bench for reversing the Master in Chambers' order was untenable, but the Chief Justice of the Common Pleas nevertheless upheld the order appealed from on the ground that the plaintiffs were not "ordinarily resident out of Ontario" because they were not ordinarily resident anywhere. Rose J. concurred in dismissing the appeal, but practically dissented from the view of the Chief Justice of the Common Pleas, that the plaintiffs were not "ordinarily resident out of Ontario," but he added "while I concur, I, to use a phrase found elsewhere, do so grudgingly and because a dissent would be of little value to the parties, and might be found not only valueless but very burdensome." In other words, if he had dissented the case would have had to be reargued and a large amount of costs would have to be incurred in obtaining a decision which the defendant would probably have got in the first instance had the court been fully constituted. Could any suitor be expected to feel that his case had been properly disposed of under such circumstances? We think not.

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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ADMINISTRATION—TRUST FUND—DECEASED TRUSTEE.

In the goods of Ratcliffe (1899) P. 110, was an application by the cestui que trust of a trust fund for a grant for administration limited to the trust fund. The trustee had died in 1890 leaving a will which had been duly proved by his executrix, who had since died leaving a will which had also been proved, and the executrix of the last mentioned will had died intestate, her next of kin were now the personal representatives of the deceased trustee, and having